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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,255	12/15/2003	Myeong Yeol Kang	0465-1080P	1499

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

PELHAM, JOSEPH MOORE

ART UNIT PAPER NUMBER

3742

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

as

Office Action Summary	Application No. 10/734,255	Applicant(s) KANG, MYEONG YEOL	
	Examiner Joseph M Pelham	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8-14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/9/04</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 112

Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6, at lines 2-3, recites "when the lever is rotated downwardly," which lacks adequate antecedent bases to establish structure able to accomplish this.

Claim Rejections - 35 USC § 102

Claims 1, 3, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. 3462584 (US'584).

Referring to Figs. 1-4, col. 2, line 59, through col. 3, line 21, and col. 4, lines 15-26, US'584 discloses an oven door 40 with latch 62 protruding therefrom and inserted into hole 79 at the front of the oven cavity, rotation motor 54 coupled to lever 60, and sensor 64 which senses lever movement via cam 58 to control motor operation. Thermostat switch 70 responds to interior oven temperature, hence it is inherently placed therein.

Claim Rejections - 35 USC § 103

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over US'584 in view of U.S. Pat. 6147622 (US'622).

The claim differs from US'584 only in calling for a step motor. However, US'622 discloses that the use of a step motor in door lock mechanisms was well known at the time of the invention. It would have been obvious to utilize a step motor in the lock mechanism of US'584 to enhance precision of motor rotation and hence lock operation.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over French patent document 2521274 (FR'274) in view of US'622.

Referring to the abstract and Figs. 1-2, FR'274 discloses an oven door 6 with latch 7 protruding therefrom and inserted into a hole at the front of the oven cavity, the rotation motor 8 coupled to lever 13 formed of a plate with one end turned downward, and sensor 9 which senses lever movement via cam 11 to control motor operation.

The claims differ from FR'274 only in calling for a temperature sensor in the oven interior and a step motor. US'622 discloses that the use of a step motor in door lock mechanisms was well known at the time of the invention. It would have been obvious to utilize a step motor in the lock mechanism of FR'274 to enhance precision of motor rotation and hence lock operation. Moreover, a temperature sensor cannot be regarded to patentably distinguish the claimed invention from the prior art of record. Either such a sensor is inherent in the disclosure of FR'274, or it would have been obvious to utilize one since it is conventionally required to control oven temperature.

Allowable Subject Matter

Claim 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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Claims 8-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph M Pelham whose telephone number is 571-272-4786. The examiner can normally be reached on M-F 7:30 AM to 4:00 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11/27/04

A handwritten signature in black ink, appearing to read 'J. Pelham', with a long horizontal flourish extending to the right.

JOSEPH PELHAM
PRIMARY EXAMINER